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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,171	01/22/2001	John J. Cahill	TGC 10 Par.Res	9128
41223	7590	11/03/2005	EXAMINER	
PAUL HENTZEL 441 NEVADA AVENUE PALO ALTO, CA 94301-4122			BROOKS, MATTHEW L	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No.

09/766,171

Examiner

Matthew L. Brooks

Applicant(s)

CAHILL ET AL.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 07 March 2005.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

DETAILED ACTION

1. Applicant's response filed 8/12/05 has been received and considered. Claims 1-4 and 6 will be examined. Claim 5 has been canceled, the limitations of which have been incorporated into claims 1 and 6. Claims 7-17 remain withdrawn from consideration.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4,6 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Ostaszewski ('277) in view of Kuklo et al. or Brazell et al. and Chaya or Ormond

Regarding claim 1 '277 discloses a suspension system having a suspension frame 102 supporting a flat spring member 112-115, but lacks showing the flat spring member comprised of one piece such that it is fixed and preloaded with $m+k$ (positions and preload elements) greater than or equal to 3.

It is known well known in the art however to make plural parts singular and vice-versa as a matter of engineering choice of design. This is generally taught by either Chaya at 12 or Ormond in figures 3 and 4.

It is also known to preload such supports, as shown by '277, but as taught by either Brazell et al. (see figures 2 and 4) or Kuklo (see elements 4,12,14) for a variety of

reasons, one of which may simply be for increased noise isolation and another for better vibration attenuation.

It would have been obvious to have modified the device of '277 according to the teachings of Chaya or Ormond and Brazell et al. or Kuklo (in the areas of 107,122,132 of '277—see col. 2 lines 38-39) for the reasons above.

Regarding claims 2-6, as modified above, '277 meets the claimed requirements.

Response to Arguments

4. Applicant's arguments filed 8/12/05 have been fully considered but they are not persuasive. The examiner maintains the rejections of the claims made above are proper. Applicant's arguments seem to conclude that for the modification adding the preload elements to the supports of the suspension system of Ostaszewski patent, which includes flat springs, to be proper the references to Kuklo et al. (see their remarks at the bottom of page 13) and Brazell (see middle of page 14) must teach a flat spring suspension system or show flat springs with pre-loaded elements. If this were the case, the references to Kuklo et al. or Brazell would anticipate the claims. The rejection made above is an obvious type rejection under 35 U.S.C. 103—Ostaszewski in view of either Brazell or Kuklo and Ormond or Chaya. As stated above Ostaszewski clearly teaches the first part of the claimed requirements in independent claims 1 and 6. Namely a suspension system comprising a "flat spring member" (112-15) and a suspension frame 102,106.

The modifying references to either Chaya or Ormond have been relied upon simply to provide the notoriously well known idea of that flat springs, used in suspension systems, may be integrally formed.

The references to either Brazell et al. (figures 2 and 4) or Kuklo (see elements 4,12,14) clearly teach “flexures” – a term used in Ostaszewski to identify spring elements 112-114—in similar type suspension systems that are pre-loaded. Note for instance Kuklo et al. clearly discloses a suspension system for a mirror. So does Ostaszewski—see the abstract.

The art is maintained to be analogous and the rejection of the claims above proper.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

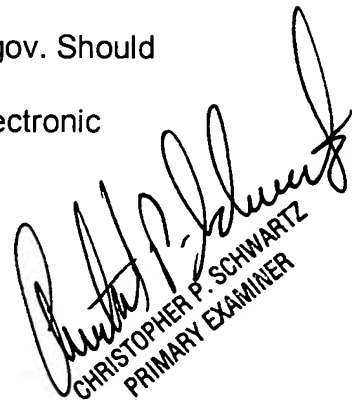
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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Schwartz whose telephone number is 571-272-7123. The examiner can normally be reached on M-F 10:30-7:00.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bucci can be reached on 703-308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cps
10/20/05



CHRISTOPHER P. SCHWARTZ
PRIMARY EXAMINER